

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CORNELIUS PAMES,	:	
	:	
Plaintiff,	:	Case No. 1:12-CV-285
	:	
v.	:	Judge Weber
	:	
MICHAEL PIERCE,	:	Magistrate Judge Litkovitz
	:	
Defendant.	:	

**PROTECTIVE ORDER FOR THE
PROTECTION OF CONFIDENTIAL INFORMATION**

This Protective Order is made pursuant to Rule 26(c) of the Federal Rules of Civil Procedure to limit the disclosure of discovered information for the protection of third parties and to preserve confidentiality of certain matters. The parties agree to be bound by the restrictions of this Order limiting the use of such information as hereinafter provided from the date that each party signs this order.

This Protective Order does not authorize filing protected materials under seal. No document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown, including the legal basis for filing under seal. *See Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996). Unless the Court orders otherwise, all sealed documents shall be filed according to S. D. Ohio Civ. R. 79.3.

Each party signing the Protective Order and anyone else who may subscribe to the Protective Order agrees as follows:

INFORMATION SUBJECT TO THIS ORDER

1. It is anticipated that some information which is conveyed, disclosed, or otherwise released by DYS to Plaintiff's counsel may include information that may constitute a security risk, or may include other personal sensitive information to which the public would not ordinarily have access, including, but not limited to personnel files, that may be protected from disclosure under Fed. Civ. R. 26(c) or other state and federal statutes. The parties stipulate that any information released by DYS to Plaintiff's counsel is protected information, which shall remain confidential;

2. This information may include the following records: incident reports, grievances, investigation reports, medical records, substance abuse records, mental health records, and education records and other information which DYS consents to release.

4. Where materials designated, "confidential" are used in support of or in opposition to a motion, the party so using the material shall move the Court to allow filing under seal in accordance with this Court's rules regarding Protective Orders and filing under seal. Should the Court grant the moving party authority to file under seal, the party shall transmit a copy of the relevant material to the Court's chambers in an unsealed envelope clearly marked: "COPY-ORIGINAL FILED UNDER SEAL." It shall be the responsibility of the party using the confidential material, not the Clerk, to supply the copy to the Court's chambers.

LIMITATIONS ON THE USE OF CONFIDENTIAL INFORMATION

Information protected by the Protective Order may be disclosed only to:

- a. The parties. The parties may not keep copies;
- b. Members of the legal, paralegal, secretarial, and clerical staff of counsel who are engaged in the preparation for and trial of this action;
- c. The court in which this action is pending and persons associated with it;
- d. Expert consultants, deponents, or witnesses and their staff, but in the case of expert consultants, deponents, or witnesses, disclosure must be limited to what is necessary for the development or understanding of testimony or evidence;
- e. Any person indicated on the face of the document as having written or received such document during the course of his or her employment or who testifies, prior to the disclosure, to having received or reviewed the document;

If counsel intends to disclose confidential information to any person described above (other than the Court), counsel for that party shall require, prior to disclosure, that such person first read this Protective Order, agree to be bound by its terms, and submit to the authority of this Court for enforcement of this Protective Order, and execute the agreement attached hereto as Exhibit A. The signed Agreement shall be maintained by counsel until the conclusion of this action.

The parties agree that once the legal provider closes the file that all documents received from DYS in either paper format or electronically except grievance information for that

individual youth client and any protected confidential information that was provided pursuant to a properly executed release, will be destroyed.

This Protective Order is entered solely for the purpose of protecting the confidentiality of information and facilitating the exchange of records and information between DYS and Plaintiff's counsel. This Protective Order will continue to be binding upon the parties' counsel, including any persons employed by counsel, who receive records or information from DYS.

It is hereby ordered.

12/16/13
Date

Loren L. Littont
United States Magistrate Judge

EXHIBIT A

County of _____ :
State of Ohio : ss
:

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, _____, the undersigned, acknowledge that I have received a copy of the "Protective Order for the Protection of Confidential Information" entered in this action, which is attached hereto as Exhibit 1, have read the Protective Order, and agree to be bound by all of the provisions in it. I recognize that during my participation in this case, I may have occasion to read or hear matters which are designated as "confidential" or "confidential information." I agree not to disclose any such confidential information to any person not entitled to receive disclosure of same under the provisions of the Protective Order, and to use any such confidential information solely in connection with my participation in this case. I also agree to return to counsel for the party that produces, in accordance with the Protective Order, any such confidential materials as soon as my participation in this case is concluded.

Name

Subscribed to and sworn before me this ____ day of _____, 20____.

Notary Public

My commission expires: _____